

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SIEMENS MEDICAL SOLUTIONS USA,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-190 (SLR)
)	
SAINT-GOBAIN CERAMICS &)	
PLASTICS, INC.,)	
)	
Defendant.)	

**REPLY OF SIEMENS MEDICAL TO ANSWER TO AMENDED
COMPLAINT AND AMENDED COUNTERCLAIM ON
BEHALF OF SAINT-GOBAIN CERAMICS & PLASTICS, INC.**

Plaintiff Siemens Medical Solutions USA, Inc. ("Siemens Medical") for its Reply to the Answer to Amended Complaint and Amended Counterclaim ("Answer to Amended Complaint") on Behalf of Defendant Saint-Gobain Ceramics & Plastics, Inc. ("Saint-Gobain"), filed April 7, 2008, alleges as follows:

Siemens Medical incorporates Paragraphs 1 through 18 of its Amended Complaint as if fully set forth herein, and denies all new allegations set forth in Paragraphs 1 through 18 of Saint-Gobain's Answer to Amended Complaint, as well as in the First Affirmative Defense, Second Affirmative Defense, Third Affirmative Defense, Fourth Affirmative Defense, and Fifth Affirmative Defense therein.

1. Siemens Medical admits the allegations set forth in Paragraph 1 of the Amended Counterclaim asserted in the Answer to Amended Complaint.
2. Siemens Medical admits the allegations set forth in Paragraph 2 of the Amended Counterclaim asserted in the Answer to Amended Complaint.

3. Siemens Medical admits that Saint-Gobain seeks declaratory judgment pursuant to 28 U.S.C. § 2201(a) and 2202. Siemens Medical further admits that Saint-Gobain's counterclaim for declaratory judgment is a mandatory counterclaim within the meaning of Federal Rule of Civil Procedure 13. Siemens Medical further admits that the Court has jurisdiction over Saint-Gobain's declaratory judgment counterclaim pursuant to 28 U.S.C. § 1338, but denies that the Court has jurisdiction under 28 U.S.C. § 1131. Siemens Medical denies each of the remaining allegations set forth in Paragraph 3 of the Amended Counterclaim asserted in the Answer to Amended Complaint.

4. Siemens Medical admits that venue is proper in this District under 28 U.S.C. § 1391 (b) and (c). Siemens Medical denies that venue is proper under 28 U.S.C. § 1400(b) and denies each of the remaining allegations set forth in Paragraph 4 of the Amended Counterclaim asserted in the Answer to Amended Complaint.

5. Siemens Medical admits it has alleged that Saint-Gobain is infringing and has infringed, and that Saint-Gobain indeed is infringing and has infringed, U.S. Patent No. 4,958,080 ("080 patent," attached to Siemens Medical's Amended Complaint as Ex. A). Siemens Medical further admits that Saint-Gobain has denied that it is infringing any valid claim of the '080 patent. As noted in Paragraph 3 of this Reply, Siemens Medical admits that Saint-Gobain seeks a declaratory judgment with respect to this issue pursuant to 28 U.S.C. § 2201(a) and 2202. Siemens Medical denies each of the remaining allegations set forth in Paragraph 5 of the Amended Counterclaim asserted in the Answer to Amended Complaint.

6. Siemens Medical denies each and every allegation set forth in Paragraph 6 of the Amended Counterclaim asserted in the Answer to Amended Complaint.

Accordingly, Siemens Medical respectfully requests that the Court enter judgment in favor of Siemens Medical and against Saint-Gobain on Saint-Gobain's Amended Counterclaim, that the Court deny Saint-Gobain's request for declaratory relief and dismiss Saint-Gobain's Amended Counterclaim with prejudice, and that the Court award Siemens Medical its costs and expenses in this matter.

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April 30, 2008

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 30, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Kelly E. Farnan, Esquire
RICHARDS, LAYTON & FINGER, P.A.


I also certify that copies were caused to be served on April 30, 2008 upon the following in the manner indicated:

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